

DETAILED ACTION***Response to Amendment***

1. The Applicant's Amendments and Accompanying Remarks, filed November 8, 2007, have been entered and have been carefully considered. Claims 1 – 5 are amended, claims 6 – 10 are withdrawn and claims 1 – 10 are pending. In view of Applicant's amendments to claim 1, the Examiner withdraws the claim objection as detailed in the Office Action dated 8/8/2007. In view of Applicant's amendment to independent claim 1 requiring that a solution of bee nectar is placed on the mesh, the Examiner withdraws the previously set forth rejections as detailed in the Office Action dated 8/8/07. The invention as currently claimed is not found to be patentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliva (WO 92/11899) in view of Busson et al. (FR 2,745,690 A1) and further in view of Stephens, Jr. et al. (US 3,440,183) and Shibuya et al. (US 6,153,227).

Oliva is directed to a cloth for protection against terrestrial electromagnetic fields (Title).

As to claims 1 - 4, Oliva teaches a cloth comprising a network of interwoven fibers comprising a copper wires for the weft and copper-cadmium

spirally wound around an insulating core of polyester or equivalent insulating material which is sandwiched between a silvered sheet, equated to Applicant's "silver nitrate cloth", and a cotton fabric, equated to Applicant's "cotton cloth".

Oliva fails to teach the use of carbon fibers in the cloth.

Busson et al. is directed to a garment for protecting against electromagnetic radiation comprising a woven or knitted material of an electrically conducting material. The conducting material can be a copper wire or a carbon filament, in pure or composite form. The garment is lightweight and has more efficient electromagnetic radiation protection compared to the prior art (Abstract).

Because both references teach garments for protection against electromagnetic radiation, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a portion of the copper wires of Oliva with carbon filament of Busson et al. because the substitution of one known element for another would have yielded the predictable result of protection against electromagnetic radiation.

Oliva in view of Busson et al. fail to teach that the cloth additionally comprises a solution of liquid oak moss.

Stephens, Jr. et al. teach improved aroma in perfumes (column 1, lines 25 – 45) suitable for use in industrial products such as textiles (column 3, lines 20 – 26). In particular, Stephens, Jr. teaches in Example XI the use of 0.50 parts by

weight of oak moss in a solution used to treat a textile to provide a pleasant and lasting aroma (column 6, lines 20 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a solution that contains oak moss as suggested by Stephens, Jr. into the textile composite of Oliva in view of Busson et al. motivated by the desire to create a protective fabric having an enhanced aroma making it more desirable to the user.

Oliva in view of Busson et al. and Stephens, Jr. et al. fail to teach that the cloth additionally comprises a solution of bee nectar.

Shibuya et al. teach the use of propolis extract (also known as bee nectar) as an antimicrobial applied to daily articles. For such use, the propolis extract is usually mixed with a desirable solvent or diluent and additional ingredients selected depending on the end use. Examples of the additional ingredients are metals such as silver, salts such as zeolite, flavorings, colorings, propellants, surfactants, binder resins, pH modulators, and buffers. The mixture can be impregnated into or applied to materials such as a cloth or non-woven fabric. (column 8, lines 10 – 25)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a solution that contains bee nectar as suggested by Shibuya et al. into the textile composite of Oliva in view of Busson et al. and Stephens, Jr. et al. motivated by the desire to create a protective fabric having enhanced antimicrobial properties.

4. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkin (US 6,750,164) in view of Stephens, Jr. et al. (US 3,440,183) and further in view of Shibuya et al. (US 6,153,227).

Larkin is directed to an ionizing wiper (Title).

As to claims 1 and 5, Larkin teaches a wiper having a high density of ionizing points such that the air between the ionizing points and an object is sufficiently ionized (Abstract). Larkin teaches a woven wiper having conductive strands including carbon, metal-coated carbon, copper, stainless steel, metal-coated acrylic, metallized acrylic, or electrically conductive polymers (column 3, lines 15 – 25 and column 4, lines 1 – 10). The Examiner submits that the environment would contain at least a small moisture content and, thus, when the wiper is in use, traces of photonized water (ionized water) would be present on the wiper.

Larkin teaches the claimed invention above but fails to specifically teach the combination of copper fibers and carbon fibers in the wiper. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the known copper and carbon fibers together as they both provide a conducting function and the combination would have yielded predictable results to one of ordinary skill in the art.

Larkin fails to teach that the cloth additionally comprises a solution of liquid oak moss.

Stephens, Jr. et al. teach improved aroma in perfumes (column 1, lines 25 – 45) suitable for use in industrial products such as textiles (column 3, lines 20 – 26). In particular, Stephens, Jr. teaches in Example XI the use of 0.50 parts by weight of oak moss in a solution used to treat a textile to provide a pleasant and lasting aroma (column 6, lines 20 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a solution that contains oak moss as suggested by Stephens, Jr. into the textile composite of Larkin motivated by the desire to create a wiper having an enhanced aroma making it more desirable to the user.

Larkin in view of Stephens, Jr. et al. fail to teach that the cloth additionally comprises a solution of bee nectar.

Shibuya et al. teach the use of propolis extract (also known as bee nectar) as an antimicrobial applied to daily articles. For such use, the propolis extract is usually mixed with a desirable solvent or diluent and additional ingredients selected depending on the end use. Examples of the additional ingredients are metals such as silver, salts such as zeolite, flavorings, colorings, propellants, surfactants, binder resins, pH modulators, and buffers. The mixture can be impregnated into or applied to materials such as a cloth or non-woven fabric. (column 8, lines 10 – 25)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a solution that contains bee nectar as

suggested by Shibuya et al. into the textile composite of Larkin in view of Stephens, Jr. et al. motivated by the desire to create a wiper having enhanced antimicrobial properties.

Response to Arguments

5. Applicant's arguments filed 11/8/07 have been fully considered but they are not persuasive.

6. Applicant argues that Stephens uses the oak moss solution to provide an enhanced aroma while Applicant uses oak moss solution for antimicrobial protection. It should be noted that it has been held that the use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain." *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). Regardless of the reason why Stephens incorporates the use of oak moss, the oak moss would also provide Applicant's desired antimicrobial function.

7. Applicant argues that the applied art does not teach the new limitation of the use of bee nectar solution. The arguments are moot in light of the newly applied rejections discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER A. CRISS whose telephone number is (571)272-7783. The examiner can normally be reached on Monday - Thursday, 8 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571 - 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JC/
Examiner, Art Unit 1794
January 15, 2008

/Ula C Ruddock/
Primary Examiner, Art Unit 1794